

IN RE: PETITION FOR VARIANCE
S/S Industry Lane, 410' W of York Road
(125 Industry Lane)
8th Election District
3rd Councilmanic District

Home Depot, USA, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-342-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Home Depot USA, Inc., by Thomas F. Gallagher, Real Estate Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 450.4.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit five (5) wall-mounted enterprise signs on a premises in lieu of the maximum allowed three (3); four (4) wall-mounted enterprise signs on a facade in lieu of the maximum allowed two (2) signs, if necessary; one (1) wall-mounted enterprise sign of 805 sq.ft. in area in lieu of the maximum allowed 150 sq.ft.; and one (1) wall-mounted sign with an area of 290 sq.ft. in lieu of the maximum allowed 150 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas Gallagher, Real Estate Manager for Home Depot, Brian Kaminski, Kerrie Strano, a representative of Collins Signs, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Kathleen Beadell, Mr. & Mrs. George Eckhart, III, and Louis W. Miller, all residents of the Timonium area.

2001-11-01 11:00 AM
Date
2/24/02
2/24/02
2/24/02

Testimony and evidence presented revealed that the subject property consists of a gross area of 12.962 acres, more or less, zoned B.M., and is currently being developed with a new Home Depot warehouse and garden center. As noted above, the Petitioners request variance relief to allow the placement of a number of identification signs on the building and the property. The proposed sign package is typical of those used at other Home Depot locations throughout Baltimore County. Subsequent to the filing of this Petition, the Office of Planning submitted Zoning Plans Advisory Committee (ZAC) comments, dated March 29, 1999, indicating that the sign package being proposed for this site was too large and should be significantly reduced. In response to the concerns raised by the Office of Planning, as well as some of the nearby residents, the Petitioners amended their variance request to eliminate one sign and reduce the size of two others. At the hearing, the new signage proposal was submitted into evidence as Petitioner's Exhibit 2. In addition, subsequent to the hearing, the Petitioners submitted a revised site plan incorporating the modified relief requested. The revised site plan has been marked as Petitioner's Exhibit 1A. The Office of Planning and the citizens who appeared at the hearing have reviewed the new sign package and all were agreeable that the amended sign proposal is appropriate for this site and satisfies the concerns previously raised. However, variance relief is still necessary as the total number and square footage of those signs exceeds that permitted by the zoning regulations.

It is also to be noted that there were other concerns raised by the citizens in attendance. Those concerns were not necessarily applicable to the proposed signs, but dealt with the construction of the Home Depot store itself. Mr. & Mrs. Eckhart are concerned about the amount of screening that will be provided to buffer their property from the store. Discussions on this issue ensued at the hearing during which I indicated that I would require the Petitioners to submit a landscape plan and lighting plan to Mr. Avery Harden, Landscape Architect for Baltimore

OFFICE OF PLANNING
Date 3/24/99
[Signature]

County, for his review and approval. It is hereby requested that Mr. Harden pay particular attention to the existing berm and landscaping adjacent to Mr. & Mrs. Eckhart's property, as well as the other properties located along Church Lane to insure that adequate screening is provided for these long-time residents. In addition, Mr. Harden is also asked to pay particular attention to the amount of lighting to be installed adjacent to those residential dwellings along Church Lane. It is imperative that the lighting selected for this site protects the privacy of the adjacent residents, and prohibits commercial lighting from spilling over onto those properties.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).


After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

RECEIVED
Date 6/24/89
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of May, 1999 that the Petition for Variance, as amended, seeking relief from Section 450.4.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four (4) wall-mounted enterprise signs on a premises in lieu of the maximum allowed three (3) signs; to permit three (3) wall-mounted enterprise signs on a facade in lieu of the maximum allowed two (2) signs, if necessary; to permit one (1) wall-mounted enterprise sign with an area of 464 sq.ft. in lieu of the maximum allowed 150 sq.ft.; and to permit one (1) wall-mounted sign with an area of 210.67 sq.ft. in lieu of the maximum allowed 150 sq.ft., in accordance with Petitioner's Exhibits 1A and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building/sign permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall submit a landscape plan and a lighting plan for review and approval by Mr. Avery Harden, Landscape Architect for Baltimore County. The landscape plan shall be designed in such a manner that an adequate buffer is provided between the proposed development and the existing homes along Church Lane. In addition, the lighting selected for this site shall prohibit commercial lighting from intruding upon the privacy of those residences along Church Lane.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

5/24/99
TMK:bjs



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 24, 1999

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Industry Lane, 410' W of York Road
(125 Industry Lane)
8th Election District - 3rd Councilmanic District
Home Depot USA, Inc. - Petitioners
Case No. 99-342-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas F. Gallagher, Real Estate Manager
3096 Hambleton Boulevard, South Plainsfield, NJ 07080
Ms. Kathleen Beadell, 30 Northwood Drive, Lutherville, Md. 21093
Mr. & Mrs. George Eckhart, III, 132 Church Lane, Cockeysville, Md. 21030
Mr. Louis W. Miller, 44 E. Timonium Road, Lutherville, Md. 21093
Mr. Avery Harden, DPDM; People's Counsel; Case File

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on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 125 Industry Lane, Timonium, MD

which is presently zoned BM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Leasee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney for Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Ave

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Home Depot, USA, Inc.

Name - Type or Print

By Thomas F. Gallagher
Signature

Thomas F. Gallagher, Real Estate Manager

Name - Type or Print

Signature

3096 Hambelton Boulevard

732-926-3665

Address

Telephone No.

South Plainsfield

NJ

07080

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Jem

Date

3.4.99

Case No. 99-342A

REV. 9/15/98

ORDER RECEIVED FOR FILING
3/4/99
REV. 9/15/98

Attachment to Petition for Variance
Re: Church Lane

1. Variance from B.C.Z.R. Section 450.4.5 to permit five wall mounted Enterprise signs on a premises in lieu of the allowed three signs.
2. Variance from B.C.Z.R. Section 450.4.5 to permit four wall mounted Enterprise signs on a façade in lieu of the allowed two signs, if necessary
3. Variance from B.C.Z.R. Section 450.4.5 to permit one wall mounted Enterprise sign with an area of ~~760~~ ^{PM 805} square feet in lieu of the allowed 150 square feet.
4. Variance from B.C.Z.R. Section 450.4.5 to permit one wall mounted Enterprise sign with an area of 290 square feet in lieu of the allowed 150 square feet.

TOIDOCs1/ert01/#79416 v1

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ORDER RECEIVED FOR FILING
Date 5/24/99
BY [Signature]

Zoning Description
March 4, 1999

Description to accompany Variance Requests

125 Industry Lane
Baltimore County, Maryland
Election District 8, Councilmanic District 3
Tax Map 51 - Parcel 222

Beginning at a point formed by the intersection of the centerlines of Industry Lane, right-of-way being 60 feet wide, and York Road, right-of-way being 66 feet wide at the said intersection, thence South 69 degrees 10 minutes West, 410 feet to a Point of Beginning at the North East corner of the property on the south right-of-way of Industry Lane, thence the following courses:

- 1) S 18 degrees 35 minutes 32 seconds E, 34.92 feet, thence
- 2) S 04 degrees 33 minutes 07 seconds E, 142.60 feet, thence
- 3) S 85 degrees 26 minutes 53 seconds W, 267.03 feet, thence
- 4) S 16 degrees 05 minutes 20 seconds W, 92.07 feet, thence
- 5) S 30 degrees 24 minutes 51 seconds W, 27.12 feet, thence
- 6) S 10 degrees 11 minutes 08 seconds W, 114.88 feet, thence
- 7) S 06 degrees 09 minutes 36 seconds W, 56.57 feet, thence
- 8) S 10 degrees 53 minutes 21 seconds W, 104.79 feet, thence
- 9) N 83 degrees 05 minutes 45 seconds W, 53.82 feet, thence
- 10) S 06 degrees 54 minutes 15 seconds W, 293.00 feet, to a point on the north right-of-way line of Church Lane, thence binding on said right-of-way line
- 11) N 83 degrees 05 minutes 45 seconds W, 81.13 feet, thence leaving said right-of-way line
- 12) N 06 degrees 54 minutes 15 seconds E, 135.00 feet, thence
- 13) N 83 degrees 05 minutes 45 seconds W, 375.00 feet, thence
- 14) S 06 degrees 54 minutes 15 seconds W, 135.00 feet to a point on the north right-of-way line of Church Lane, thence binding on said right-of-way line
- 15) N 83 degrees 05 minutes 45 seconds W, 150.00 feet, thence leaving said right-of-way line
- 16) N 06 degrees 54 minutes 15 seconds E, 135.00 feet, thence
- 17) N 83 degrees 05 minutes 45 seconds W, 73.87 feet, thence
- 18) N 04 degrees 54 minutes 15 seconds E, 184.24 feet, thence
- 19) N 02 degrees 11 minutes 05 seconds E, 367.73 feet to a point on the south right-of-way line of Industry Lane, thence binding on said right-of-way line

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44-342-A

- 20) a curve to the right having a radius of 416.80 feet, a length of 122.57 feet, with a chord bearing of N 77 degrees 11 minutes 47 seconds E and a chord length of 122.13 feet, thence
21) N 85 degrees 37 minutes 15 seconds E. 930.52 feet to the point of beginning.

Containing 12.962 acres (564,624.72) square feet of land more or less and as described in Liber 13338 Page 540 in the Land Records of Baltimore County.

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.

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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 067002

DATE 3/22/99 ACCOUNT 001-6150

AMOUNT \$100.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

FOR: REVISED EXXON PLATS #99-342-A

125 Lastry Lane

Drop-Off - No Review

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 062311

DATE 3-4-99 ACCOUNT Rev. 6150

AMOUNT \$ 250.00

RECEIVED FROM: Heese Design 125 Trussing Ln.

(rev) WAA
FOR: 99-342-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
3/04/1999 3/04/1999 125 TRUSSING LN
BALTIMORE COUNTY, MARYLAND
RECEIPT # 090915
CF NO. 062311
250.00 CHECK
BALTIMORE COUNTY, MARYLAND

PAID RECEIPT
3/04/1999 3/04/1999 125 TRUSSING LN
BALTIMORE COUNTY, MARYLAND
RECEIPT # 090915
CF NO. 062311
250.00 CHECK
BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 25, 19 99

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 25, 19 99.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case # 88-342-A
123 Military Lane
S/S Industry Lane, 410 +/- W of centerline York Road
8th Election District -- 3rd Councilmanic District

Legal Owner(s): Home Depot, USA, Inc.
Variances to permit 2 wall mounted Enterprise signs in lieu of the allowed 3 signs; to permit 4 wall mounted Enterprise signs on a facade in lieu of the allowed 2 signs. If necessary, to permit 1 wall mounted Enterprise sign with an area of 805 square feet in lieu of the allowed 150 square feet; and to permit 1 wall mounted Enterprise sign with an area of 290 square feet in lieu of the allowed 150 square feet.

Hearing: Tuesday, April 13, 1999 at 2:00 p.m. in Room 407, County Court Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4396.
(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 887-3351.

3/470 March 25
G2598864

CERTIFICATE OF POSTING

RE Case No 99-342-A

Petitioner/Developer: HOME DEPOT, ETAL

% ROBERT HOFFMAN, ESP

Date of Hearing/Closing 4/13/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms Gwendolyn Stephens

BARB ORMOR

Ladies and Gentlemen

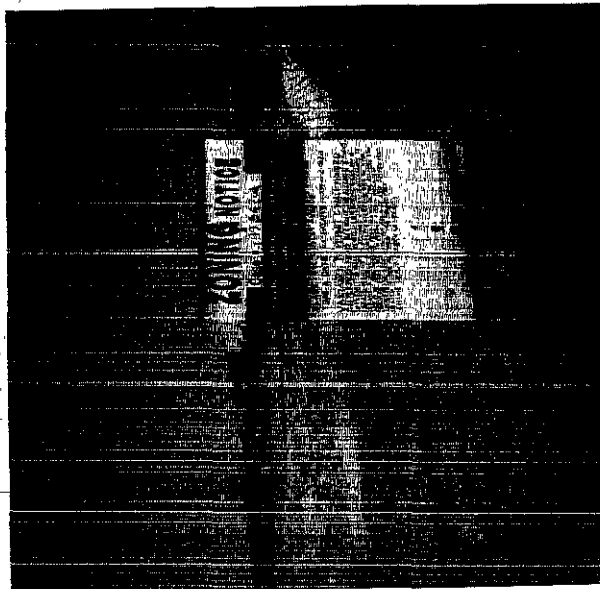
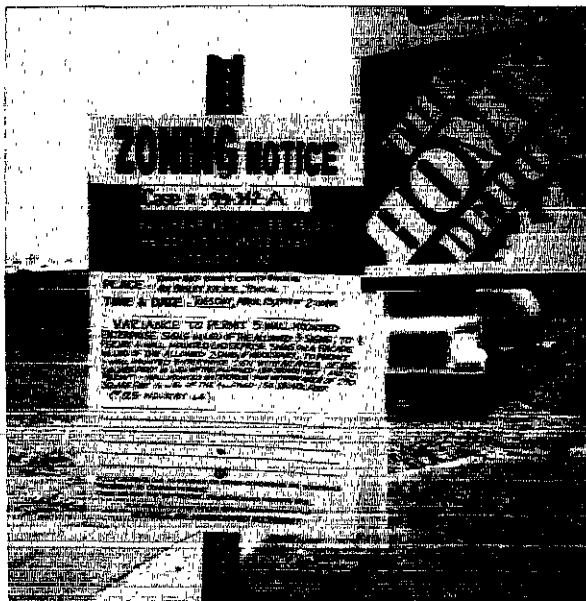
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #125 INDUSTRY LANE
ONSITE CHURCH LANE

The sign(s) were posted on 3/25/99
(Month, Day, Year)

Sincerely,

Patricia M. O'Neil 3/28/99

(Signature of Sign Poster and Date)



99-342-A
HOME DEPOT
H- 4/13/99

UBH 99-342-A
#125 INDUSTRY LA.
3/25/99 4/13/99

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 342
Petitioner: Home Depot, USA, Inc.
Address or Location: 125 Industry Lane, Cockeysville, Timonium.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara W. Ormrod
Address: 210 Allegheny Avenue
Towson, Md 21204
Telephone Number: 410-494-6201

Revised 2/20/98 - SCJ

99-342-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-27342-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: ~~2~~ VARIANCES TO PERMIT ^{A TOTAL} FIVE WALL MOUNTED
SIGNS IN LIEU OF THE PERMITTED THREE; AND, TO
PERMIT FOUR WALL MOUNTED SIGNS ON A FACADE IN LIEU
OF THE PERMITTED TWO; AND TO PERMIT ONE WALL MOUNTED
SIGN WITH AN AREA OF 805 SQ. FT. IN LIEU OF THE
ALLOWED 150 SQ. FT.; AND, TO PERMIT ONE WALL MOUNTED SIGN WITH
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.
AND AREA OF 290 SQ. FT. IN LIEU OF THE ALLOWED 150 SQ. FT.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
March 25, 1999 Issue – Jeffersonian

Please forward billing to:

Barbara W. Ormord
210 Allegheny Avenue
Towson, MD 21204

410-494-6201

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-342-A

125 Industry Lane

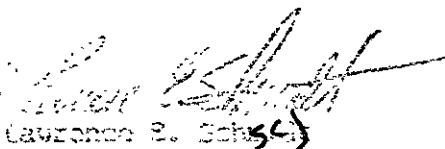
S/S Industry Lane, 410' +/- W of centerline York Road

8th Election District – 3rd Councilmanic District

Legal Owner: Home Depot, USA, Inc.

Variance to permit 5 wall mounted Enterprise signs in lieu of the allowed 3 signs; to permit 4 wall mounted Enterprise signs on a façade in lieu of the allowed 2 signs, if necessary; to permit 1 wall mounted Enterprise sign with an area of 805 square feet in lieu of the allowed 150 square feet; and to permit 1 wall mounted Enterprise sign with an area of 290 square feet in lieu of the allowed 150 square feet.

HEARING: Tuesday, April 13, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 17, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-342-A

125 Industry Lane

S/S Industry Lane, 410' +/- W of centerline York Road

8th Election District – 3rd Councilmanic District

Legal Owner: Home Depot, USA, Inc.

Variance to permit 5 wall mounted Enterprise signs in lieu of the allowed 3 signs; to permit 4 wall mounted Enterprise signs on a façade in lieu of the allowed 2 signs, if necessary; to permit 1 wall mounted Enterprise sign with an area of 805 square feet in lieu of the allowed 150 square feet; and to permit 1 wall mounted Enterprise sign with an area of 290 square feet in lieu of the allowed 150 square feet.

HEARING: Tuesday, April 13, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Home Depot, USA, Inc.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 29, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 8, 1999

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Case No.: 99-342-A
Petitioner: Home Depot, USA, Inc.
Location: 125 Industry Lane

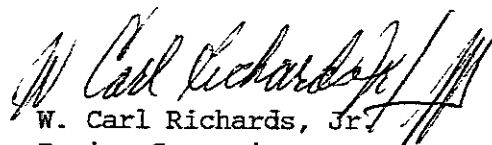
Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 4, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 25, 1999

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 22, 1999
Item Nos. 336, 340, 341, 342, 343
and 344

and

Case #99-302-X
9615 Philadelphia Road

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 23, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 8, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

2. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

278, 279, 281, 234, 285, and 288

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 12, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for April 12, 1999
 Case #99-342-A
 125 Industry Lane

The Bureau of Development Plans Review has reviewed the subject zoning item. This is fine assuming required trees will be installed with proposed "paving blocks".

RWB:HJO:jrb

cc: File

C99342A



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-5300

April 5, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: HOME DEPOT, USA, INC. - 342
SHEPPARD PRATT HEALTH SYSTEMS, INC. - 340

Location: DISTRIBUTION MEETING OF MARCH 15, 1999

Item No.: 340, 342 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: April 13/99

FROM: R. Bruce Seeley, Project Manager *RBS/JS*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 4/5/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 368
370
371
373
374
375
378
99-342-A
99-345-A

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 3/22/99

FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/15/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 338

339

342

344

#99-302-X

RE: PETITION FOR VARIANCE
125 Industry Lane, S/S of Industry Lane,
410' +/- of c/I York Rd, 8th Election District,
3rd Councilmanic

Legal Owners: Home Depot, USA, Inc.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-342-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 1999, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

semi
4/13

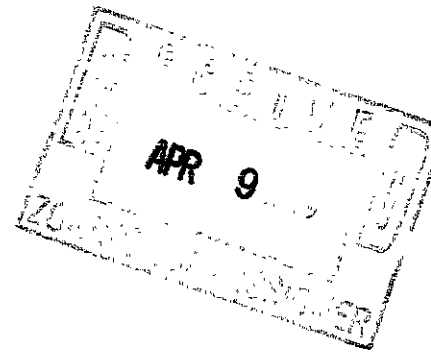
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 8, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning



SUBJECT: 125 Industry Lane

INFORMATION:

Item Number: 342

Petitioner: Home Depot, USA, Inc.

Zoning: BM

Requested Action: Variance

Amended Comment

Mr. Robert Hoffman contacted this office regarding the staff's March 29, 1999 comment (see attached). Home Depot, USA, Inc. has addressed the concerns expressed by the staff by agreeing to 1) a significant reduction in sign area, and 2) the elimination of one sign. At the time of the hearing, Mr. Hoffman will proffer the specifics related to the proposed modifications to the sign package.

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, the Office of Planning offers the following comments:

The applicant's property is located within the area of the Hunt Valley Timonium Plan, which was adopted by the County Council on October 19, 1998. The plan discourages the granting of sign variances in the Hunt Valley Timonium area.

In terms of this request, the sign regulations would permit a total of 450 square feet of signage at the subject property. The applicant proposes to erect five signs totaling 1225

square feet. The chart below reveals the difference between the permitted sign allowance and the applicant's proposal.

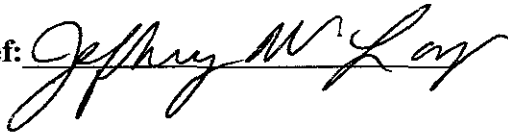
	Allowed Square Feet	Proposed Square Feet
Sign #1	150	805
Sign #2	150	50
Sign #3	X	51
Sign #4	X	29.33
Sign #5	150	290
Total	450	1225.33

In order to reduce the need for the variances, the applicant should modify the sign package as follows:

- Remove the lower portion "Maryland's Home Improvement Warehouse" from Sign #1;
- Eliminate Sign #2; and
- Reduce the size of Sign #5.

The Office of Planning would not object to the approval of sign variances for this project provided that the total sign area is significantly reduced

Section Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: March 29, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 125 Industry Lane

INFORMATION:

Item Number: 342

Petitioner: Home Depot, USA, Inc.

Zoning: BM

Requested Action: Variance

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- Reduce the size of Sign #5.

The Office of Planning would not object to the approval of sign variances for this project provided that the total sign area is significantly reduced.

Section Chief: Jeffrey W. Long

AFK/JL:

Post-it® Fax Note 7671		Date: 4-6	# of pages: 2
To: Kathy Beadell	From: Bill Hughes		
Co./Dept.	Co. BCOP		
Phone #	Phone # (410) 887-3480		
Fax # 410-561-7466	Fax # 5862		



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 3.16.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 342 JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.2.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. #99-342-A

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Very truly yours,

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6201

March 18, 1999

HAND DELIVERED

W. Carl Richards, Jr., Supervisor
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

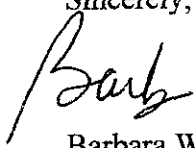
Re: Petition for Variance/Home Depot USA, Inc.
Property Location: 125 Industry Lane, Timonium, Maryland
Zoning Case No. 99-342-A

Dear Mr. Richards:

Pursuant to your request, enclosed are twelve (12) site plans which have been revised to reflect the legal owner's name as it appears on the petition. Also enclosed is our check in the amount of \$100 in the event a revision fee is required.

If you have any questions, please give me a call.

Sincerely,


Barbara W. Ormord,
Legal Assistant

BWO/e
Enclosures
cc: Robert A. Hoffman, Esquire

*Drop-off
No Review
3/22/99*



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

410-887-3391

April 9, 1999

Ms. Barbara W. Ormond
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P O Box 5517
Towson MD 21285-5517

Dear Ms. Ormond:

RE: Drop-Off Revision Review, Case #99-342-A, 125 Industry Lane

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Merrey".

Joseph C. Merrey
Planner II, Zoning Review

JCM:cjs

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Kathleen Beadell

30 Northwood Drive

Mr. & Mrs. George Eckhart III

132 Church Lane

Louis W. Miller

44 E. Timonium Rd
21093



PETITIONER(S) SIGN-IN SHEET

NAME

Rab Hoffman

Brian Kaminski

Tom Gauguier

Herrie Strano

210 Allegheny Ave 21204
GFA
50 DIVISION ST. SOMERVILLE, NJ.
HOME DEPOT 3096 HAMILTON BLVD
Collins Signs S. PLAINFIELD, NJ
4255 Napier Field Road Dothan AL 36303



SIGNAGE PROPOSAL

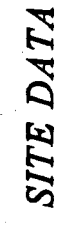


Timonium, MD

Revised #2

COLLINS SIGNS





- Box #1

Revised
DRC #12218E
PDM FILE # VIII - 713
Set Ex 1

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCES**

FOR

THE HOME DEPOT
125 INDUSTRY LANE, TIMONIUM, MD.

*Election District 8
Councilmanic District 3
Tax Map 51 - Parcel 222
March 3, 1999
Sheet 1 of 2
Scale: 1" = 50'*

OWNER/DEVELOPER

THE HOME DEPOT, USA

2455 PACERS FERRY ROAD
ATLANTA, GEORGIA 30339

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

GXS

WORTH DRIVE, SUITE 100
CON, MARYLAND 21204
(410) 825-8120

PLAN
SCALE: 1" = 50'

Modified

VARIANCES REQUESTED

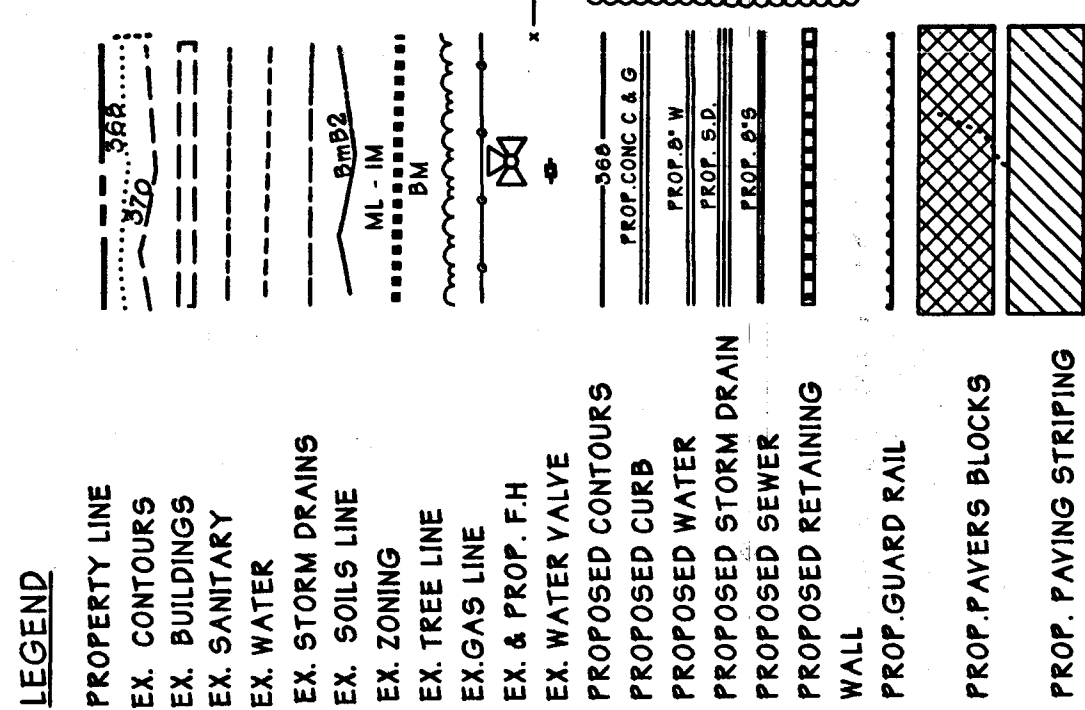
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GENERAL NOTES

1. APPLICANT: HOME DEPOT, USA
2451 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
2. PROPERTY OWNER: HOME DEPOT, USA
2451 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
3. THERE ARE NO SIGNIFICANT GEOLOGICAL FOUNDATIONS, CRITICAL AREAS, ARCHEOLOGICAL SITES AND ENDANGERED SPECIES HABITATS KNOWN TO EXIST ON THIS SITE.
4. THERE ARE NO HAZARDOUS MATERIALS AS DEFINED BY SEC. 7-101 KNOWN TO EXIST ON THIS SITE.
5. THERE ARE NO STREAMS, SEEPS, PONDS, WETLANDS, OR 100 YEAR FLOODPLAINS KNOWN TO EXIST ON THIS SITE.
6. THE PROPOSED DEVELOPMENT CONFORMS TO THE BALTIMORE COUNTY MASTER PLAN.
7. THIS PROJECT RECEIVED A "B-5 EXEMPTION" FROM THE BALTIMORE COUNTY D.A.C. ON MAY 4TH 1998. D.A.C. NUMBER 00948F.
8. ALL CONFORMANCE WITH THE DEVELOPMENT REGULATIONS.
9. ALL SIGNAGE WILL BE IN CONFORMANCE WITH SECTION 1504, B.C.C.A.
10. PURSUANT TO SECTION 409 B.C.C.A. ANY CHANGE IN RETAIL USE REQUIRING MORE THAN 7 PARKING SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA, REQUIRES A ZONING REVIEW REQUEST TO BE SUBMITTED TO THE ZONING REVIEW BUREAU WITH 1 UPGRADED PARKING CALCULATIONS.
11. LIGHTING NOTE: ANY FUTURE USED TO ILLUMINATE AN OFFSITE PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL AREAS.
12. HANDICAPPED PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE 1990 AMENDMENTS TO THE MD. HANDICAPPED, CONTAINED IN THE CODE OF MARYLAND REGULATIONS 04.01.07.
13. FOREST CONSERVATION: FOREST CONSERVATION, A FOREST BOUND DELINEATION, AND FOREST CONSERVATION PLANTINGS HAVE BEEN SUBMITTED.
14. BOUNDARY AND TOPOGRAPHIC SURVEY DATA PREPARED BY DAFT-AMMINE, WALKER, INC.
15. AVERAGE DAILY TRIPS
15.1. AVERAGE DAILY TRIPS 1000 S.F. = 300.000 S.F.
15.2. AVERAGE DAILY TRIPS 1000 S.F. = 1000.000 S.F. 1674 TDTS.
16. THERE ARE NO WELLS, SEPTICS, OR UNDERGROUND STORAGE TANKS KNOWN TO EXIST ON THIS SITE.
17. ZONING HISTORY
17.1. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
17.2. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
17.3. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
17.4. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
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18.08. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
18.09. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
18.10. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
18.11. 1996 COMPREHENSIVE ZONING MAP - ISSUE 3-045
18.12. 1996 COMPREHENSIVE ZONING MAP - ISSUE

THE MOST REVEREND FRANCIS P. KEOUGH
277V19

SIGN #5



SITE DATA

1. Site Area - 12,962 Ac. +/-
2. Existing Zoning - BM
3. Elevation District - 8
4. Councilmanic District - 3
5. Census Tract - 4084
6. Watershed - 11
7. Subwatershed - 32
8. Proposed Use - Retail
9. Home Depot With Garden Center - 132,350 S.F.
10. Existing Use - Office, Manufacturing
11. Parking Required - 671 P.S. (incl. 14 HDCCP)
12. Proposed - 132,350 S.F. @ 5 P.S./1000S.F. = 662 P.S.
13. All Handicap Parking Spaces are 13'x18'(min)
14. All Regular Parking Spaces are 8.5' x 18' (min.)
15. Van Accessible Handicap Spaces are 16' x 18' (min.)
16. Floor Area Ratio:
 - a. Allowed - 4.0
 - b. Proposed - 132,350 S.F./564,625 S.F. = 0.23
17. Deed Reference - 13338/540
18. Tax Account No. - 23-00002729
19. Porposed Building Height - 36'

DRC #12218E
PDM FILE # VIII - 713

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCES**

FOR

THE HOME DEPOT
125 INDUSTRY LANE, TIMONIUM, MD.

**Election District 8
Councilmanic District 3
Scale: 1" = 50'**

REV. 5/18/99

OWNER/DEVELOPER
THE HOME DEPOT, USA

2455 PACERS FERRY ROAD
ATLANTA, GEORGIA 30339

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

GXS

PLAN
SCALE: 1" = 50'

VARIANCES REQUESTED

1. Variance from B.C.Z.R. Section 450.4.5 to permit four wall mounted Enterprise signs on a premises in lieu of the allowed three signs. (Sign #1-4)
2. Variance from B.C.Z.R. Section 450.4.5 to permit three wall mounted Enterprise signs on a facade in lieu of the allowed two signs. (Sign #1-3)
3. Variance from B.C.Z.R. Section 450.4.5 to permit one wall mounted Enterprise sign with an area of 464 square feet in lieu of the allowed 150 square feet. (Sign #1)
4. Variance from B.C.Z.R. Section 450.4.5 to permit one wall mounted Enterprise sign with an area of 210.67 square feet in lieu of the allowed 150 square feet. (Sign #4)

GENERAL NOTES

- [illegible]

THE MOST REVEREND FRANCIS P. KEOUGH

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